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09/559,805	04/26/2000	Mitsuhiro Watanabe	13599	2986

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,805

Applicant(s)

WATANABE, MITSUHIRO

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 7-8 are 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,961,602 by Thompson et al.

In claim 1, Thompson teaches about an Internet home page data acquisition method in a network system comprising a client “web appliance-television” which acquires and displays home page data “web content” (Col 2, lines 10-67), a cache URL address storage server “data processing system” which retains an access list “list of favorite web sites” comprising a plurality of URL addresses transferred from said client (television user defines) (Col 2, lines 50-55), and a cache server “data processing system” which acquires and temporarily retains the home page data on the basis of the access list retained in said cache URL address storage server (Col 7, line

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50- Col 8, line 15), (it is known in the art that cache is updated overtime and therefore its content is temporary), the method comprising the steps of:

transferring an access list "list of favorite website" held by a client to a cache URL

address storage server (Col 7, line 50- Col 8, line 15);

acquiring home page "web site" data by a cache server "data processing system" on the basis of the transferred access list "list of favorite website" (Col 3, lines 15-30), (Col 7, line 50-

Col 8, line 15); and

transferring the acquired home page data from said cache server "data processing system" to said client "web appliance-television" upon completion of acquisition of the home page data (Col 2, lines 40-67).

In claim 2, Thompson teaches about a method according to claim 1, wherein said client includes a server storage cyclic folder (list of favorite website- same as access list defined in specification) for storing an access list to be transferred to said cache URL address storage server "data processing system", and the step of transferring the access list comprises transferring the access list retained in said server storage cyclic folder to said cache URL address storage server (Col 2, lines 40-67).

In claim 4, Thompson teaches about a method according to claim 1, wherein the step of transferring the home page data comprises the steps of causing said client "web appliance-television using remote" to connect a line to said cache server "data processing system" when acquisition of home page data is completed (Col 4, lines 15-40); and

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transferring the acquired home page data from said cache server to said client after the line is connected (Col 4, lines 15-40). The connection to the "data processing system" cache server is initiated by the "web appliance-television" remote.

In claim 5, Thompson teaches about a method according to claim 4, wherein the step of connecting the line comprises the step of periodically "form of scheduling" connecting the line to said cache server (Col 1, lines 40-67).

In claim 7, Thompson teaches about a method for acquiring Internet home page (Col 2, lines 40-67), the method comprising:

connecting a line between a client "web appliance-television" and a cache URL address storage server "data processing system" (Col 2, lines 40-67);

transferring an access list "list of favorite website" from the client to the cache URL address storage server (Col 2, lines 40-67), the access list comprising URL addresses that the client wishes to receive (Col 5, lines 25-40);

disconnecting the line between the client and the cache URL address storage server (switch from web to TV broadcast) (Col 5, lines 25-40);

acquiring home page "web sites" data at a cache server on the basis of the URL addresses in the transferred access list "list of favorite website" (Col 2, lines 40-67);

connecting a line between the client and the cache server upon completing the acquisition of the home page data (Col 1, lines 45-55); and

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transferring the acquired home page data from the cache server to the client (Col 2, lines 40-67).

In claim 8, Thompson teaches about a method according to claim 7, wherein the client includes a server storage cyclic folder (list of favorite website- same as access list defined in specification) for storing an access list to be transferred to the cache URL address storage server “data processing system”, and the step of transferring the access list comprises transferring the access list retained in the server storage cyclic folder to the cache URL address storage server (Col 2, lines 40-67).

In claim 10, Thompson teaches about a method according to claim 1, wherein the client connects the line to the cache server when acquisition of home page data is completed (Col 1, lines 50-55). Base on the schedule, client is aware on the availability of the data and thus will connect to the server after that period.

In claim 11, Thompson teaches about a method according to claim 10, wherein the step of connecting the line comprises the step of periodically “form of scheduling” connecting the line to the cache server (Col 1, lines 50-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,961,602 by Thompson et al in view of US Patent No. 6,292,825 by Chang et al.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In claims 3,6, 9 and 12, Thompson teaches all the limitation but does not explicitly teach about a method according to claim 1, wherein the step of transferring the home page data comprises the steps of:

causing said cache server to connect a line to said client when acquisition of home page data is completed; and

transferring the acquired home page data from said cache server to said client after the line is connected.

The method of claims 3,6, 9 and 12 is well known in the art as the push notification approach. Chang disclosed a service application with pull notification in which the push approach was used to deliver message to clients (Col 5, lines 59-67).

It would have been obvious at the time of the invention for someone of ordinary skill to use a push approach to timely deliver a message to a thin client. The process of determining if an

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awaited result has arrived or not is very intensive and requires a lot of processing power. A thin client has limited processing power and thus is unable to do this intensive operation while operating its normal functions. Servers are more equip to handle this operation with their much superior processors. With the push model the server does the intensive task of capturing the event and whenever the event occurs, take the initiative to deliver the information to the client. The initiative can be notification or total delivery of the information (Col 6, lines 35-55)

In Claim 6, a method according to claim 4, wherein the method further comprises the step of causing said cache server to notify said client of an acquisition end time when the access list is transferred, and the step of connecting the line comprises the step of connecting the line to said cache server at the notified acquisition end time (covered in claim 3).

In Claim 9, the method according to claim 7, wherein the cache server connects the line to the client when acquisition of home page data is completed (covered in claim 3).

In Claim 12, a method according to claim 10, wherein the method further comprises the steps of causing the cache server to notify the client of an acquisition end time when the access list is transferred, and the step of connecting the line comprises the step of connecting the line to the cache server at the notified acquisition end time (covered in claim 3).

Conclusion

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,931,904 by Banga et al, teaches about a method for reducing the delay between the time a data page is requested and the time the data page is displayed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



MD

December 19, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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